

# Sumter City-County Board of Appeals

October 13, 2010

BOA-10-33, 201 N. Washington St. (City)

## **I. THE REQUEST**

**Applicants:** First Citizens Bank

**Status of the Applicants:** Property Owner

**Request:** A variance from Article 3 Section I, 3.i.5.b  
Development Standards for GC zoning district in  
order to construct a new bank building

**Location:** 201 N. Washington St. (Corner of Washington &  
Calhoun St)

**Present Use/Zoning:** Commercial bank/ GC

**Tax Map Reference:** 228-05-06-017

## **II. BACKGROUND**

The applicant is requesting a variance from the front yard setback requirements for a commercial property in order to construct a new bank building on the property. The new building is to be placed in the same position as the existing bank. Because the applicant plans to clear the site and construct a new building, staff is required by Ordinance to treat this as a new commercial site with full compliance of all development standards.

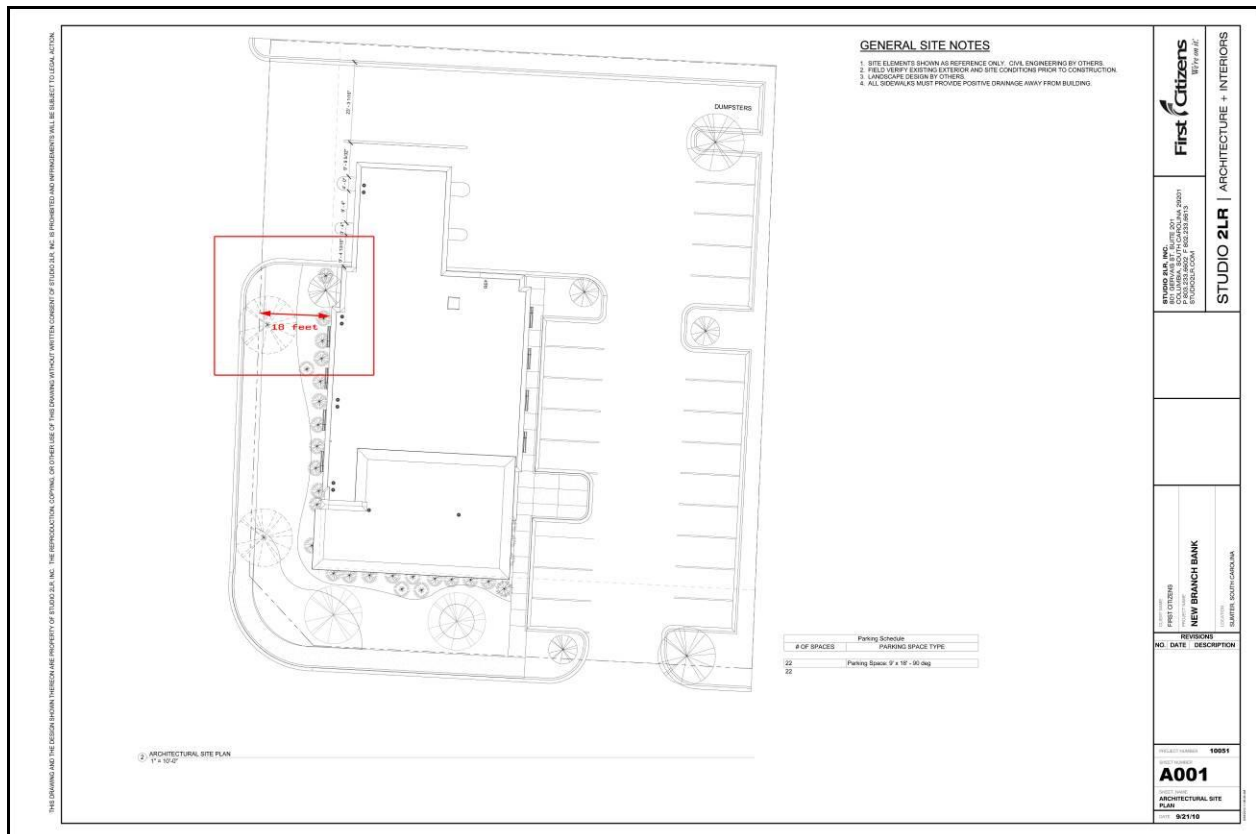
***Right:*** Aerial view of parcel and layout of existing structure.

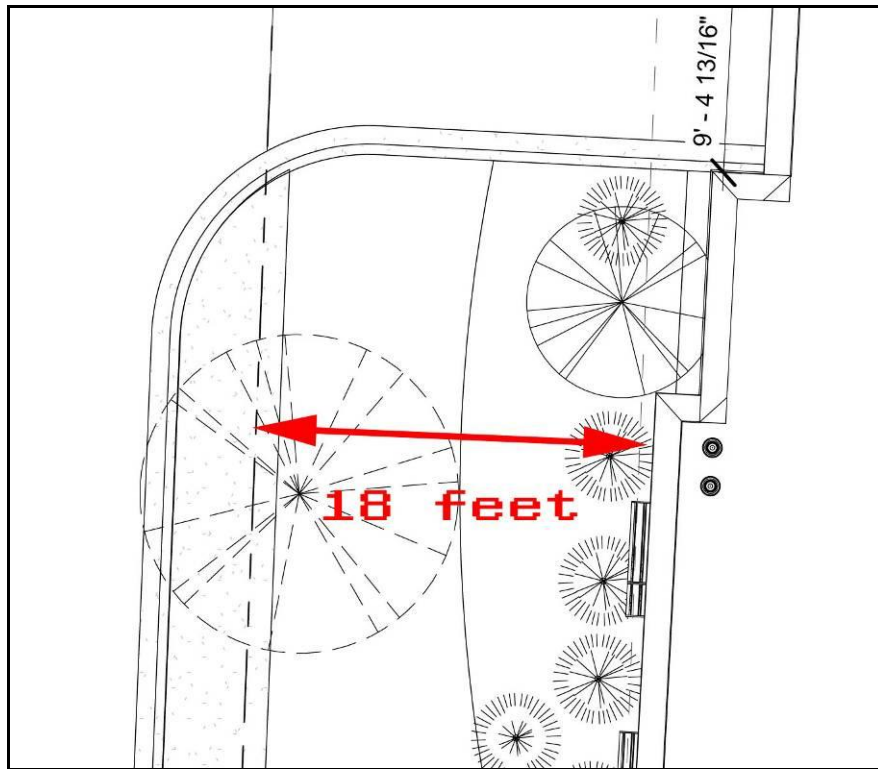




**Above:** Views of existing building on side where variance is requested.

The Sumter City Zoning Ordinance, Article 3 Section I, 3.i.5. requires a minimum of 20 feet for front setback in the General Commercial (GC) district when parking is to be located in the side or rear of the property. The proposed site plan is shown below.





**Above:** A closer view of the distance from the proposed bank to the property line.

The proposed parcel is +/- 0.57 acres in size with a proposed setback of 18 feet. The ordinance requires a distance of 20 feet, so the applicant is requesting a variance of 2 feet from the required setback distance.

### III. FOUR-PART TEST

**1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property.***

This parcel has been the location of the First Citizens Bank for many years. They desire to construct a new building on their existing parcel, and wish to place the new building in the same location as the old one in order to fully comply with current landscaping and parking for the facility. Currently the property does not comply with bufferyard standards, in order to accommodate the required number of parking spaces, driving aisles and 5 ft. interior bufferyard, the most suitable location for the new building is in the same location as the previous footprint.

**2. *These conditions do not generally apply to other property in the vicinity.***

The adjacent parcels have existing commercial uses that are not scheduled for redevelopment at this time.

3. *Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.*

Application of the ordinance does limit the utilization of this property. This is a small corner lot and without this variance, the property owners cannot construct the new building in such a manner as to accommodate current parking and landscaping standards.

4. *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.*

The authorization of a variance will not substantially impact adjacent properties or the public good, or harm the character of the district. This is an established commercial area and the applicant intends to rebuild in the same location as the previous building, therefore only making some minor alterations to the site layout.

#### **IV. STAFF RECOMMENDATION**

Staff recommends approval of BOA-10-33.

#### **V. DRAFT MOTIONS for BOA-10-33**

- A. I move that the Zoning Board of Appeals approve BOA-10-33, subject to the findings of fact and conclusions attached as Exhibit I.
- B. I move that the Zoning Board of Appeals deny BOA-10-33 subject to the following findings of fact and conclusions.
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-10-33.

#### **VI. ZONING BOARD OF APPEALS – October 13, 2010**

The Sumter City-County Board of Appeals at its meeting on Wednesday, October 13, 2010, voted to approve this request for a 5' variance from the front yard setback requirements and subject to the findings of fact and conclusions on exhibit 1.

**Exhibit 1**  
**Order on Variance Application**  
**Sumter Board of Appeals**

**BOA-10-33, First Citizens Bank**  
**201 N. Washington St.**  
**October 13, 2010**

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Date Filed: October 13, 2010

Permit Case No. BOA-10-33

The Sumter Board of Appeals held a public hearing on Wednesday, October 13, 2010 to consider the appeal of First Citizens Bank, 201 N. Washington St., Sumter, SC for a variance from the strict application of the Zoning Ordinance as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the Applicant ☒ **has** - ☐ **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

This parcel has been the location of the First Citizens Bank for many years. They desire to construct a new building on their existing parcel, and in order to accommodate the required number of parking spaces, driving aisles and bufferyards, the most suitable location of the new building is in the same location as the previous footprint.

2. The Board concludes that these conditions ☐ **do** - ☒ **do not** generally apply to other property in the vicinity based on the following findings of fact:

The adjacent commercial properties are existing and are not to be redeveloped at this time.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ☒ **would** - ☐ **would not** effectively prohibit or

unreasonable restrict the utilization of the property based on the following findings of fact:

Application of the ordinance does limit the utilization of this property. This is a small corner lot and without this variance, the property owners cannot construct the new building in such a manner as to accommodate current parking and landscaping standards.

4. The Board concludes that authorization of the variance ☐ **will** – ☒ **will not** be of substantial detriment to adjacent property or to the public good, and the character of the district ☐ **will** – ☒ **will not** be harmed by the granting of the variance based on the following findings of fact:

The authorization of a variance will not substantially impact adjacent properties or the public good, or harm the character of the district. This is an established commercial area and the applicant intends to rebuild in the same location as the previous building, therefore only making some minor alterations to the site layout to incorporate more landscaping buffers.

THE BOARD, THEREFORE, ORDERS that the variance is ☐ **DENIED** – ☒ **GRANTED**, subject to the following conditions:

Approved by the Board by majority vote.

Date issued: \_\_\_\_\_

\_\_\_\_\_  
Chairman

Date mailed to parties in interest: \_\_\_\_\_

\_\_\_\_\_  
Secretary

**Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.**